

Appln. No.10/616,528

Attorney Docket No. 10541-1847

II. Remarks

Reconsideration and reexamination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-11 remain pending.

Further Claim Clarifications

Prior to discussing the references, it is believed that a brief discussion on the current form of the independent claim of this application is warranted. Claim 1 of this application has been amended to clarify, more particularly point and distinctly claim that which applicant's regard as the subject matter of the present invention. Specifically, claim 1 now recites that the inner wall has at least one assembly support surface that substantially faces the axis. Furthermore, claim 1 and claim 4 have been amended to provide language which is clearer in its meaning. The amended language does not narrow the scope of claims 1 and 4 and therefore do not give rise to any estoppel issues with regard to their interpretation under the doctrine of equivalents or limitations on that doctrine.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 1, 5, 8, 9 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,204,806 to Sasaki et al ("Sasaki"). Applicant respectfully traverses these rejections.

The Examiner states that Sasaki discloses a housing comprising an outer wall cylindrical about an axis and an inner wall defining a central compartment, said inner

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wall comprising at least one assembly support surface that is parallel to the axis and a microelectronic assembly affixed to the assembly support surface.

A careful reading of Sasaki will reveal that a microelectronic assembly (3) is not affixed to the assembly support surface (2). Sasaki states that the pentagonal board (3) while being expanded, is inserted into the casing (1) and is clamped to the inner tubular member (2) by its own returning force and that there is no need to use a holding means for affixing the pentagonal board (3) to the assembly support surface (2). (Sasaki, column 3, lines 52-57). Conversely, the present invention uses a conductive adhesive (40) to affix the assemblies (30) to the support surfaces (20) and (26).

Next, as stated previously, claim 1 has been amended to further include the limitation of the inner wall having at least one assembly support surface that substantially faces the axis. In Sasaki, the support surface of the inner wall (3) faces away from the axis.

In that Sasaki fails to disclose all the elements of the present invention, the rejection based thereon should be accordingly withdrawn.

With respect to claims 5, 8, 9 and 11, these claims are dependent on claim 1 and are therefore patentable for at least the same reasons given above in support of claim 1. Accordingly, allowance of these claims are respectfully requested.

Claim Rejections – 35 U.S.C. §103(a)

Claims 2-4 and 10, and alternatively, claims 1, 5, 8, 9 and 11 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,501,653 to

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Landsgestell et al ("Landsgestell") taken alone. Applicant respectfully traverses this rejection.

As stated previously, claim 1 of the present application has been amended to include the limitation of the inner wall having at least one assembly support surface that substantially faces the axis. A careful reading of Landsgestell will reveal that Landsgestell does not disclose such a feature.

In the Office Action, the Examiner stated that it would have been obvious to a person of ordinary skill in the housing art at the time the invention was made to reverse the inner and outer walls of Landsgestell in order to adapt a device for a particular specific application.

When making a rejection under 35 U.S.C. §103, the cited references must provide some motivation, suggestion or teaching to render the claims of the present invention as obvious. Nothing in Landsgestell reference itself provides any motivation, suggestion or teaching to reverse the inner and outer walls as the Examiner suggests. The only motivation hinted at by the Examiner is the present application itself. However, the present application cannot be the source of the required motivation. Such a hindsight reconstruction of the application is improper.

The Examiner cites *In re Einstein* with regard to the mere relocating of parts. 8 USPQ 166, 167. However, *In re Einstein* is distinguishable in its facts and is not applicable to the present invention. In *In re Einstein*, the device in question, a grinder wheel oscillator, substituted gear wheels and a gear unit disclosed in a first reference for pulleys and belts disclosed in a second reference, thus, making the device more compact. *Id.* In coming to the decision that there was no patentable invention, the

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court stated that the element of compactness or size alone does not alone constitute invention and that there "must be some new device or some new and useful purpose accomplished." *Id.*

"New and useful purposes" are accomplished by having the assembly support surfaces substantially facing the axis. The housing is able to provide protection for the microelectronic assemblies instead of requiring an outer casing shown in Langsgestell. Additionally, by having the assembly support surfaces substantially facing the axis, the heat created by the microelectronic assemblies, when in operation, will be directed towards the central compartment. The heat directed towards the central compartment will allow for the creation of a heat pipe further cooling to the microelectronic assemblies.

In that Langsgestell fails to disclose or suggest the claimed construct for the reasons noted above, it must be concluded that Langsgestell taken alone cannot render the claims of the present application as obvious. The rejection under 35 U.S.C. §103 is improper and should be withdrawn.

With respect to claims 2-5 and 8-11, these claims are dependent on claim 1 and are therefore patentable for the same reasons as given above in support of claim 1. Accordingly, allowance of these claims is respectfully requested.

Claim 6 and 7 were rejected under 35 U.S.C. §103(a) as being obvious over either Sasaki or Langsgestell in view of U.S. Patent 5,884,000 to Cloud et al.

With respect to claim 6 and 7, these claims are dependent on claim 1 and are therefore patentable for at least the same reasons as given above in support of claim 1. Accordingly, allowance of these claims are respectfully requested.

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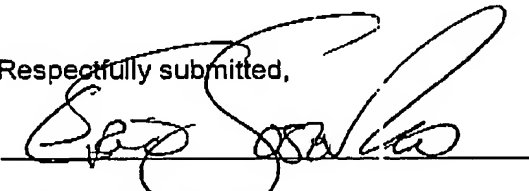
Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Date

8/11/05

Respectfully submitted,



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